

Town of East Hampton  
Zoning Board of Appeals  
300 Pantigo Road, East Hampton, NY 11937



## **APPROVED MINUTES OF MEETING**

**Date: August 4<sup>th</sup> 2015**  
**Time Started: 6:30 p.m.**

### **Members Present:**

**John P. Whelan, Chairman**  
**Cate Rogers, Vice Chair**  
**Don Cirillo, Member**  
**David Lys, Member**  
**Lee White, Member**

### **Also Present:**

**Denise Savarese, Legislative Secretary**  
**Elizabeth Baldwin, Counsel to the Board**

### **Public Hearing:**

**6:30 PM – Applicant: James Bohm – SCTM# 300-187-1-20.8 – 38 Hunting Avenue, East Hampton – Project description is to allow an approximate 846 sq. ft. swimming pool to remain within conservation easement setback. Chairman Whelan read the Notice of Public Hearing into the record. Counsel Baldwin noted that the Affidavit of Service and Posting was in order. Member Cirillo conducted a field inspection and reported his findings to the Board.**

**Denise Schoen, Esq., speaking on behalf of the applicant submitted a Memorandum of Law into the record.**

**Gregory Konner, Builder, addressed the Conservation Easement and how it came to be cleared. This situation occurred while he was away on vacation. A Revegetation Plan was approved by the Natural Resources Department.**

**James Foster, a concerned neighbor, asked that the record be left open. The reason for his opposition of the project are the Issues noise, and the easement concerns.**

**James Duryea, speaking on behalf of the Planning Department, noted that he did not have much to add and made himself available for questions. The Revegetation Plan submitted is adequate.**

**Member Cirillo made a motion to close the Public Hearing and leave the record open for two weeks until August 18<sup>th</sup> 2015 for written comments. Ms. Schoen will be given an additional week to respond – August 25<sup>th</sup> 2015. Vice Chair Rogers seconded. All members were in favor.**

### **Public Hearing:**

**6:50 PM – Applicant: East Hampton – Gerard Point LLC – SCTM# 300-131-8-7 – 22 Shore Road, Amagansett – Project description is to construct a 4,320 sq. ft. two story residence with attached garage, terraces and walkways, porches decks, stairs, swimming pool, spa fence, driveway, walkway to the beach, new sanitary system with retaining wall, drywells, and to clear approximately 14,500 sq. ft. and revegetate approximately 4,000 sq. ft. of beach vegetation within the Town's jurisdiction of dunes and beach vegetation. Chairman Whelan read the Notice of Public Hearing into the record.**

Public Hearing interrupted – to check mail in ZBA office for Affidavit of Service and Posting which applicant's agent stated was forwarded to the ZBA office – but not currently in the file.

**Work Session:**

**Board Determination:**

Jane H. Concannon Revocable Trust – SCTM # 300-47-1-10.1 - 769 Old Montauk Highway, Montauk – Letter received from Richard E. Whalen - Tabled

John Ryan – SCTM# 300-51-4-19 – 108 Surfside Avenue, Montauk – Letter received from John Ryan – Board unanimously agreed that applicant should submit a new application for a Natural Resources Special Permit.

ESL Landing LLC – SCTM# 300-90-1-15.1 – 96 Northwest Landing Road, East Hampton – Natural Resources Special Permit and Variance Application – Letter received from Robert M. Connelly dated July 6th 2015 – Application has been scheduled for a September 29<sup>th</sup> 2015 Public Hearing.

Tommaso Fini – SCTM# 300-173-2-11 – 51 Cliff Road, Amagansett – Purpose of Modification – covered porch addition to the north side of the structure. Town Attorney to review the file and report findings to the Board.

**Board Decision:**

Peter Kazura – SCTM# 300-49-1-17 – 174 Fort Pond, Montauk – Project description is construction of a two story building having a 1,080 sq. ft. first floor, with an office or retail use, a 1,080 sq. ft. second story apartment, and four on-site parking spaces. Public Hearing held July 7th 2015 – Member White made a motion to close the Public Hearing. Member Lys seconded. All members were in favor.

**Public Hearing Continued:**

6:50 PM – Applicant: East Hampton – Gerard Point LLC – SCTM# 300-131-8-7 – 22 Shore Road, Amagansett - Counsel Baldwin noted that the Affidavit of Service and Posting was in order. Member Lys conducted a field inspection and reported his findings to the Board.

Julia Priolo – Ecologist – from Land Use Ecological Services Inc. appeared on behalf of the applicant - noted the residence meets pyramid regulations across the entire property – illustrated through elevation drawings 2) Applicant will revegetate all disturbed areas and supplement barren areas of the dune with native beach vegetation – illustrated through the Revegetation Plan which was submitted 3) applicant willing to shorten the proposed beach access walkway to terminate before the dune crest line and eliminate a set of stairs that leads down the face of the dune. Ms. Priolo made herself available for questions.

Diana LeVerrier, Attorney, appeared on behalf of Bernard Kiembock and Dunes Residents Association, noted jurisdictional issues, brought attention to new documentation in the file that has not been reviewed, need to review elevation plans, structures proposed are in a Coastal Erosion Hazardous Area, size of residence not in compliance with the surrounding area. Ms. LeVerrier asked that the record be left open for a correct survey that illustrates lot coverage and calculations along with comments from the DEC.

Harvey Sands, Neighbor, felt this application should require a Draft Environmental Impact Statement because any infringement on this property will create a hardship on others, the neighborhood will suffer.

Nick Gregory, Neighbor, noted that the topography has changed dramatically in the area over the years. If granted you will be creating a channel for a flood zone in the neighborhood.

Sara Mendoza Kiembock, Neighbor, expressed the same concerns and was very worried about the well-being of this area in the future since this strip of land is very narrow.

Carol Herman, Neighbor, expressed concern about building in this location – elevations and existing grade.

David Sonenberg, Neighbor, noted the importance of delineating the crest of the dune property on a survey.

Tyler Borsack, speaking on behalf of the Planning Department, addressed the Technical Analysis Memo, gave analysis and made recommendations for the Board's consideration.

Member Lys made a motion to close the Public Hearing but leave the record open for one month (September 4<sup>th</sup> 2015) for submission of new survey, noting mean high water line, square footage of lot, verification of dune crest line, lot coverage calculations, pool cross section, FEMA flood zones, final grading plan – Comment time to respond by October 4<sup>th</sup> 2015. Member Cirillo seconded. All members were in favor.

#### **Work Session**

##### **Administrative Application:**

John Gicking – SCTM# 300-24-7-33 – 14 Driftwood Lane, East Hampton - relocation of a pool and septic. Vice Chair Rogers made a motion to approve application going Administratively. Member Cirillo seconded. All members were in favor.

##### **Public Hearing:**

7:10 PM - Applicant: Illuminus Property Holdings LLC – SCTM# 300-189-4-10 – 76 Skimhampton Road, Amagansett – Project description is to construct an approximately 7,800 sq. ft. tennis court within both side yard lot line setbacks and rear yard lot line setbacks setbacks.

Chairman Whelan read the Notice of Public Hearing into the record. Counsel Baldwin noted that the Affidavit of Service and Posting was in order. Member Lys conducted a field inspection and reported his findings to the Board.

Robert Connelly, Attorney, appearing on behalf of the applicant submitted a Statement in Support of the Application, which is in the board's file.

Carl Irace, Attorney, appearing on behalf of Jack & Eleanor Ecker, gave a brief history of the property. Submitted into the record were 1) Photos taken August 2<sup>nd</sup> 2015 2) Aerial photog from 2004 3) Photo from Google Earth. Noted this application will cause an undesirable change to the neighborhood and if granted the Board will be opening the flood gates for anyone to ask for a non- conforming tennis court if you have a non-conforming lot. Google Earth photo illustrates that the project does not fit into the surrounding parcels in the neighborhood. Mr. Irace made himself available for questions.

William Lyons, neighbor, read a letter of opposition into the record and submitted it into the Board's file. Mr. Lyons also submitted a letter of opposition into the record from Gerson Antell, neighbor.

Peter Lyons, neighbor, also in opposition to the project expressed concern about the retaining wall, and trees that have been cut down since applicant bought property in 2014.

Tyler Borsack, speaking on behalf of the Planning Department, addressed the Technical Analysis Memo, gave analysis and made recommendations for the Board's consideration.

John Ecker, neighbor, gave the board a chronological history of the lot and its clearing issues.

Member Lys made a motion to close the Public Hearing and leave the written record open until August 18<sup>th</sup> 2015 for information regarding the access easement on lot 9. Member Cirillo seconded. All members were in favor.

### **Work Session**

#### **Administrative Applications:**

Dorothy King – SCTM# 300-41-1-20 – 142 Gerard Drive, East Hampton – Demolition of a 600 sq. ft. house for East Hampton Town acquisition. Vice Chair Rogers made a motion for application to go Administratively. Member Lys seconded. All members were in favor.

Theresa Quigley – SCTM# 300-133-2-8.4 -78 Swamp Road, East Hampton – demolition of house, sheds, decking, patios for East Hampton Town acquisition. Chairman Whelan recused himself. Member Cirillo made a motion for application to go Administratively. Member Lys seconded. Vice Chair Rogers and Member White were in favor.

Bob & Susan Casper – SCTM# 300-90-3-6 – 99 Northwest Landing Road, East Hampton – demolition of existing residence, shed, sanitary system, and well – Member Cirillo made a motion to approve the application going Administratively. Member Lys seconded. All members were in favor.

#### **Minutes:**

Member Cirillo made a motion to approve the Minutes of July 28<sup>th</sup> 2015. Vice Chair Rogers seconded. All members were in favor.

#### **Adjourn:**

Member Cirillo made a motion to adjourn at 10:57 p.m. Vice Chair Rogers seconded. All members were in favor.

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John P. Whelan, Chairman  
Zoning Board of Appeals